

Department of Permitting and Inspections

Zoning Division
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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: February 2, 2021
RE: ZP21-0583CA; 52 Institute Road

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: 21-0583CA

Location: 52 Institute Road

Zone: RCO-RG **Ward:** 4N

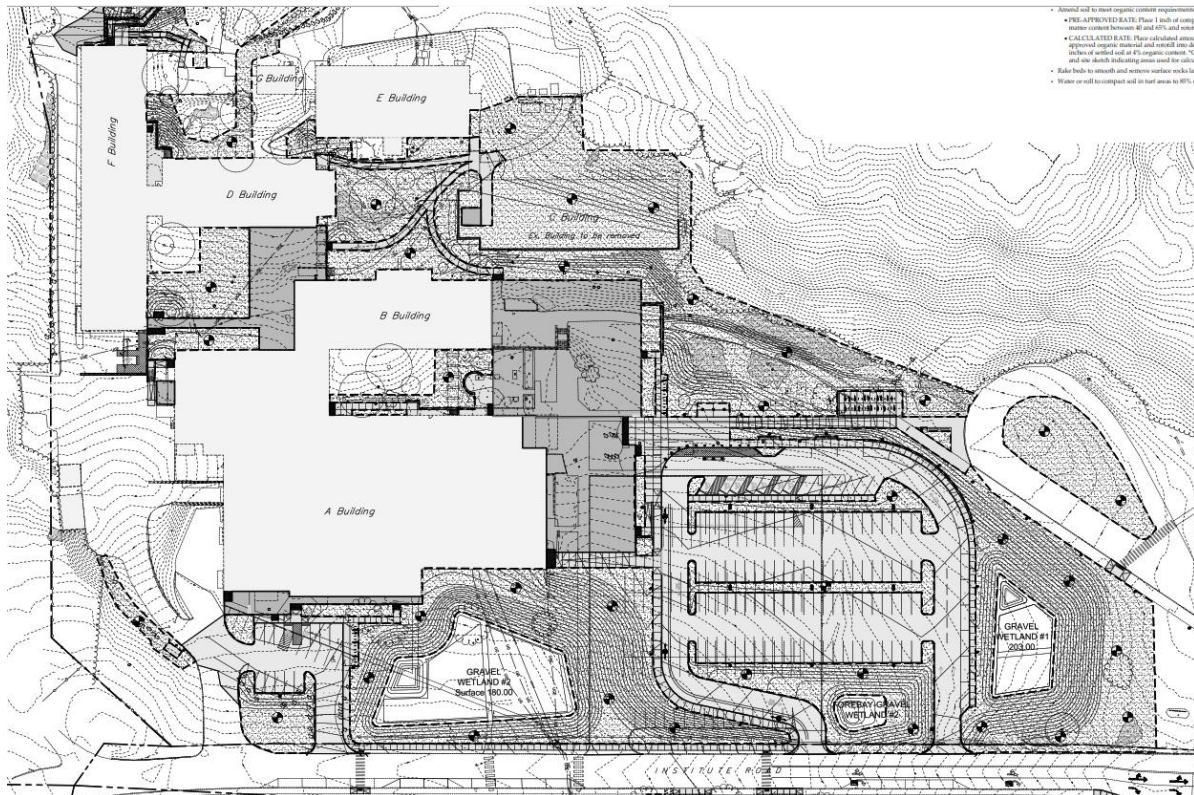
Parking District: Neighborhood

Date application accepted: December 23, 2020

Estimated Construction Cost: 20,000,000

Applicant/ Owner: Black River Design / Burlington School District

Request: Expansion and renovation of Burlington High School and Burlington Technical Center. Request for a parking waiver and a five year project timeline.



Burlington School District embarked on this project to address existing deficiencies including failure to meet current accessibility standards, deteriorating infrastructure, outdated plumbing, electrical heating and ventilation systems, and the school's "1960" era classrooms.



View from North Avenue

Three additions will be constructed to consolidate programs, improve accessibility and circulation, and enhance security.

The main addition is a **three story structure at the main entrance** to house administrative and support functions, provide a new secure entrance vestibule, replace the C Building classrooms, and provide for a modernized library more conveniently located for both student and public access. An auxiliary gym to be located near the main building entrance is included in the plan but is budget dependent. This application seeks approval for both the auxiliary gym and a greenhouse to be located on the existing C Building footprint.

A second **three story addition will connect Buildings A, B, D, and F Buildings** near the BHS cafeteria and house an elevator, the Intensive Special Needs (ISN) suite and multiple Science labs. It will provide a new direct connection between BHS and Burlington Technical Center (BTC).

A third addition is located south of the existing gymnasium and provides for a new **four story elevator and egress stair connecting all four levels of A Building** and an interior accessible route to the music rooms located at the ground level. The On Top program will continue to be located on the fourth floor of A Building.

Aging infrastructure will be replaced to decrease maintenance costs and improve energy efficiency. Primary upgrades to Buildings A, B and D include:

- Addition of automatic sprinkler system
- New addressable fire alarm system throughout
- New interior plumbing; piping and fixtures
- New LED lighting and low voltage controls
- Addition of cooling throughout
- New heating and ventilation throughout
- New interior finishes
- New operable windows
- New roofs

The scope of work for F Building (BTC) will be limited to ADA and Building Code required improvements.

Infrastructure and site circulation improvements will include:

- Regraded parking lot to improve accessibility and traffic flow
- Stormwater treatment to meet State and City Regulations
- Relocated electrical service with provisions to connect a portable generator for emergency power
- Improve traffic circulation routes able to support fire department vehicle access
- New underground utility (sewer, water, power, gas, and stormwater infrastructure)
- Additional ADA parking distributed across the site
- Additional and conveniently located bicycle parking
- Electric Vehicle charging stations

C Building is proposed to be demolished. Building E (24,870 sf gross area) will remain on site but removed from all programming. No renovations are planned.

The project will address pre-existing asbestos, urban soils, and PCB contamination. No change is proposed to school population, faculty, and staffing or event functions outside the normal year to year fluctuation. As a result, no increased impacts are forecast for trip ends, water supply and wastewater disposal.

Background:

- ✚ **Zoning Review 20-0194SP**; Sketch Plan review for renovations to BHS. September 1, 2020.
- ✚ **Zoning Permit 15-0982CA**; addition of storage shed. April 2015.
- ✚ **Zoning Permit 13-0291CA**; installation of rooftop condensing units on Buildings A and B. June 2013.
- ✚ **Zoning Permit 13-1037CA**; replace existing HVAC system with new heat pump system and condenser on roof of Building A. May 2013.
- ✚ **Zoning Permit 13-0053CA**; install new shed in north east portion of property. July 2012.
- ✚ **Non-Applicability of Zoning Permit Requirements 12-0558NA**; installation of photovoltaic system, Certificate of Public Good. November 2011.
- ✚ **Zoning Permit 11-1123CA**; install condensing unit on the side of F building at BHS. July 2011.
- ✚ **Zoning Permit 10-0850CA**; two new Energy Recovery Units on roof of A Building at Burlington High School. June 2010.
- ✚ **Zoning Permit 09-616CA**; Renovations to existing press box including new membrane roof covering, roof access hatch, ladder, and safety rail. March 2009.

- ✚ **Zoning Permit 09-321SN**; Electronic sign to be added to previously approved sign. October 2008.
- ✚ **Zoning Permit 09-241CA**; Relocate solar array from building side to flat roof of building with new rack mounting structure. September 2008.
- ✚ **Zoning Permit 09-137SN**; freestanding sign for Burlington High School. August 2008.
- ✚ **Zoning Permit 08-549SN**; one freestanding, internally lit, metal sign for Burlington High School. Application **denied**, February 2008.
- ✚ **Zoning Permit 06-457CA**; construction of 3,200 square foot building to house wood chip boiler system for existing high school. March 2006.
- ✚ **Zoning Permit 06-452CA**; redevelopment of high school athletic fields, parking, new service and entrance buildings and new sewage pump station. February 2006.
- ✚ **Zoning Permit 05-305CCA**; amended plan for building-mounted solar panels at BHS. Reduction from six panels to four. Child of permit 05-058CA. November 2004.
- ✚ **Zoning Permit 05-058CA**; Install 6 solar panels attaching to a pole located approximately 35 ft. off the SE corner of building A. July 2004.
- ✚ **Zoning Permit 04-723CA**; remove old green house. Enclose with walls, new roof and windows. July 2004.
- ✚ **Zoning Permit 00-028**; Installation of two metal halide flood lights on existing poles to illuminate the existing press box for the high school athletic field. July 1999.
- ✚ **Zoning Permit 99-186**; Amend previously approved bleacher system at the Burlington High School track to include a press box. October 1998.
- ✚ **Zoning Permit 98-305**; Replace existing steel and wood bleachers with new on the east and west sides of the Burlington High School track. Proposal includes installation of a slab on the east side (Portable units on the west). January 1998.
- ✚ **Zoning Permit 98-074**; Installation of a handicapped access ramp on the front of the existing Burlington high school. Materials to be painted metal (Dark green and concrete). August 1997.
- ✚ **Zoning Permit 97-033**; Add nonilluminated message board section under the existing freestanding sign for Burlington High School. Location on North Avenue and height and overall size to remain the same. July 1996.
- ✚ **Zoning Permit 87-678 / COA 87-215**; building three bay one-story garage for storage of aircraft parts for school program. January 1988.
- ✚ **Zoning Permit 87-320**; change an existing window on west side to exterior door to provide egress to new classroom. June 1987.
- ✚ **Zoning Permit 82-435**; construct bus shelter on the site of a removed bus shelter. September 1982.

Overview:

Burlington School District proposes to reconfigure and modernize Burlington High School. Three additions are proposed to consolidate programs, improve accessibility, and enhance security. A fourth addition, for an auxiliary gymnasium, remains in the plan as budget allows.

In November 2018, voters approved a bond to complete the project, entitled “Revisioning BHS/BTC”. Sketch Plan Review was delayed while design modification occurred post preliminary bids. More information and updates can be viewed [here](#).

The project development is subject to limited municipal review per **VSA §4413**:

Limitations on municipal bylaws

(a) *The following uses may be regulated only with respect to **location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements**, and only to the extent that regulations do not have the effect of interfering with the intended function use:*

(1) *State or community owned and operated institutions and facilities.*

(2) *Public and private schools and other educational institutions certified by the state department of education.*

The **Design Advisory Board** reviewed the application at their January 12, 2021 meeting, and unanimously recommended approval with the following recommendations:

1. Consider revising horizontal ramp at auxiliary gym;
2. Curbing changed to granite for long term durability; and
3. DAB fully supports the parking waiver request, and the signage as illustrated in renderings.

The **Conservation Board** reviewed the application January 4, 2021, and noted their support of the overall plan, including the requested parking waiver.

Recommended motion: Certificate of Appropriateness approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. There is an extensive list of open permits for this property that needs attention. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Section 3.2.1 Preapplication Conferences

(c) Sketch Plan Review:

Sketch Plan Review was held by the Design Advisory Board August 25, 2020, and the Development Review Board September 1, 2020.

Section 3.2.3 Modification of Submission Requirements

Either the DRB or the administrative officer may require the submission of additional information when deemed necessary to make a decision on the zoning request in a timely manner. Such additional information may include but is not limited to the following:

8. Phasing schedule;

The applicant requests an extended permit life based on a 5 year construction timeline.

Preconstruction – Spring 2021

- Mobilize and install BMP's shown on sheet C3.0.
- Construct stable staging/storage area, install stone lined sediment traps, install temporary stabilized construction entrances and access routes, install construction fencing, perimeter sediment control practices, and inlet protection on existing catch basins.

Summer 2021

- Install new waterline
- Install new stormwater collection and bypass system
- Install temporary sediment basin
- Install new sewer system
- Excavate foundation for new addition at south side of Building A
- Excavate foundation for new connector between Building A and B
- Begin mobilization and earthwork for Building B-D Connector

Winter 2021-2022

- Fall 2021 - Continue with Building A-B Connector foundation construction
- Continue with Building A south addition and A-B Connector framing and interior construction.
- Begin excavation and foundation construction for Building B-D Connector.
- Complete installation of any new utilities not completed during the summer construction.
- Continue with B-D Connector interior construction.

Summer 2022

- Continue construction on Building A south side addition.
- Continue construction on Building A-B Connector.
- Continue construction on Building B-D Connector.
- Install utilities in access road on west side of Building A.
- Install site improvements (walks, stairs, parking, stormwater, grading) on the east and north sides of Building F
- Complete Building A south side addition and construct new parking lot and associated site improvements
- Complete Building A-B Connector and associated site improvements.
- Complete site improvements north of Building F

Winter 2022-2023

- Complete any remaining site improvements and stabilization from Summer 2020 activities
- Maintain topsoil and seeded areas to ensure Final stabilization is reached prior to the end Of the growing season.
- Continue with construction of B-D Building connector to F Building.
- Begin interior renovations to Building A and Building D.

Summer 2023

- Complete site improvements at southwest corner of Building A.
- Complete Building B-D Connector to Building F and associated site improvements.
- Small sidewalk and intersection improvements on the south side of Institute Road.
- Restore existing paved drive at the southeast corner of the site, to lawn.
- Interior renovations to Building A.
- Interior renovations to Building B.

Winter 2023-2024

- Interior renovations to Building A and Building B continues.

Summer 2024

- Relocate construction fencing.
- Excavate and install foundation for southern portion of A-B Connector.
- Install new stormwater collection system on east side of the site.
- Install new stormwater collection system north of Building B.
- Demolish existing Building C
- Install new site improvements north of Building B
- Construct new Gravel Wetland Stormwater Treatment Practices
- Demolish existing parking lot and construct new permanent parking lot
- Construct new sidewalks, bike racks, site amenities, landscape plantings.
- Remove staging areas and restore to vegetation.

Winter 2024-2025

- Continue interior construction on southern portion of Building A-B Connector.
- Complete site improvements, final grading, and stabilization.

Summer 2025

- Complete Building A-B Connector.
- Maintain any temporary stabilized areas to ensure adequate vegetative growth.
- Demobilization and clean-up.
- Final Stabilization.

The fifth year that is requested allows for completion of the Auxiliary gym, the main parking lot and the main gravel wetland just below the parking lot.

Affirmative finding as conditioned.

Part 3: Impact Fees

Section. 3.3.2 Applicability

*Any new development or additions to existing buildings which result in new dwelling units or in **new nonresidential buildings square footage are subject to impact fees** as is any change of use which results in an added impact according to Sec. 3.3.4.*

The proposed new gross area is subject to Impact Fees, unless it is determined that it meets an identified exemption. The three story addition on the south façade, intended to accommodate access, will likely meet exemption 4. *(Additions to existing buildings for which the sole purpose is to provide additional means of egress (e.g. stair towers, elevators, etc.)* Staff will calculate those fees as appropriate based on the gross new floor area. **Affirmative finding as conditioned.**

Part 5: Conditional Use and Major Impact Review

Section 3.5.2 Applicability

(b) Major Impact Review:

Major Impact Review shall be required for the approval of all development involving any one or more of the following:

Zone RCO-RG: Creation of five thousand (5,000) s.f. or more of gross floor area.

Sec. 3.5.3 Exemptions

Major Impact Review shall not be required for applications involving one or more of the following:

(e) Projects where the scope and authority of municipal regulation is limited by statute pursuant to 24 VSA 4413.

Development at Burlington High School is exempt from Major Impact Review under **§ 4413. Limitations on municipal bylaws:**

*(a) The following uses may be regulated only with respect to **location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements**, and only to the extent that regulations do not have the effect of interfering with the intended functional use:*

(1) State- or community-owned and operated institutions and facilities.

(2) Public and private schools and other educational institutions certified by the state department of education.

Affirmative finding.

Article 4: Zoning Maps and Districts

Sec. 4.4.6 Recreation, Conservation and Open Space Districts

(a) Purpose

The Recreation, Conservation and Open Space (RCO) Districts are intended to protect the function, integrity and health of the city's natural systems environment, provide for a balance between developed and undeveloped land, protect air and water quality, provide adequate open areas for recreation, conservation, agriculture, and forestry, enhance the city's quality of life and the aesthetic qualities of the city, moderate climate, reduce noise pollution, provide wildlife habitat, and preserve open space in its natural state.

The RCO districts are subdivided into three parts, and are further described as follows:

2) RCO-Recreation/Greenspace (RCO-RG): *The Recreation/Greenspace District is intended to provide a diversity of passive and active recreational opportunities and other urban green spaces that provide for public use and enjoyment. The District includes a wide spectrum of recreational opportunities including developed parks with active public-use facilities, undeveloped open areas, dog parks, community gardens, urban parks and pocket parks, playgrounds, transportation corridors, and cemeteries. The District also includes private property, including a golf course and residential properties, where appropriate future development could be provided.*

(b) Dimensional Standards and Density

Table 4.4.6 -1 Dimensional Standards and Density

District	Lot Coverage	Setbacks ¹			Height ¹
		Front	Side	Rear	
RCO-RG	5%	15'	10%	25%	35'

The land for BHS was purchased by the City in 1962 from Willard and Florence Arms (*Arms Grant*) for the specific purpose of building a new high school. Burlington High School was built in 1964; preceding the regulations in effect now that limit development in the Recreation Greenspace district. At present, the site is at 27.80% coverage (33.98% for buildable area) and exceeding the allowable zoning district limit of 5 %. See **Section 5.3.5** Non-conformities, below. That section, however, would not allow any increase in a level of non-conformity beyond what currently exists.

Lot coverage has been calculated discounting slopes between 15% and 30% and excluding slopes greater than 30%. A slope analysis has been submitted with the lot coverage plan. The plan proposes **an increase in lot coverage of 1.2%**; from 33.98% to 35.18%.

State Statute §4413 directs that municipal review may regulate *only to the extent that regulations do not have the effect of interfering with the intended functional use.*

Burlington School District submitted their methodology to the City Attorneys' office on how they approached the challenge of upgrading internal and external circulation paths, energy efficiency, improving accessibility, providing secure entrances and vestibules, a modern library, and building connectors all while improving air circulation and mechanical infrastructure. Ultimately the analysis comes down to whether the regulations have the effect interfering with the intended functional use. The School District has asserted that it does and staff review has not found otherwise so based on their submission materials and staff review, the City attorney is comfortable with the applicability of §4413 for this application.

Reference is made to the updated Memo from Marty Spaulding to Mary O'Neil, dated August 24, 2020, and emails from Kimberlee Sturtevant to Mary O'Neil dated June 3, 2019 and January 19, 2021.

Lot coverage: Allowance per **§ 4413. Limitations on municipal bylaws.**

This parcel has two frontages (North Avenue and Institute Road), so only setback standards relative to front and side yards would apply.

The new building addition on the east extends a little further to the east than the existing A Building, yet not as far east as C Building (which will be demolished.) The small addition on the south (primary entrance) extends a small amount closer to Institute Road; yet both additions continue to observe the required 15' front yard setback.

The remainder of the new building additions are within the complex, intending to link existing buildings A to F and B to D, and do not fall within setback review.

Building Height Limits, Section 5.2.6. (b) provides an exemption to height limits based on the height of the principal building:

Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming Principal Building exceeding the maximum permitted Building height may exceed the maximum permitted Building height of the zoning district subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Building.

The Zoning Administrator's 2009 Administrative Interpretation for calculating height makes the analysis a little more complex, and requires defining what a separate building is. See **Narrative** describing the process for calculating building height, p. 5-6. As all building are physically connected (either by shared foundations or above ground structural connectors), the collection may be viewed as a whole.

The calculation, based on the connected Buildings A, B, C, D, E and F is within the submission packet, Plan A5.1. This demonstrates that the calculated average grade elevation remains unchanged and the high roof elevation is decreased resulting in a reduction of the calculated building height and thus reduction of the existing non-conformity to height. **Affirmative finding.**

(c) Permitted and Conditional Uses

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the RCO districts shall be as defined in Appendix A – Use Table.

No change in use is proposed with this application. As a pre-existing, non-conforming use, it may continue. See Non-conformities, below.

Affirmative finding.

(d) District Specific Regulations

The following regulations are district-specific exemptions, bonuses, and standards unique to the RCO districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above in Tables 4.4.6-1 and 4.4.6-2.

1. Lot Coverage for Agricultural Structures.

Not applicable.

2. Exemptions for low impact design (LID) stormwater management techniques

Due to the unique nature and critical importance of City Parks in the City's overall green infrastructure, LID stormwater management techniques (such as pervious pavement and asphalt, green roofs and rain gardens etc...) shall be credited against lot coverage as

determined by the City's Stormwater Administrator pursuant to the requirements of Burlington Code of Ordinances Chapter 26.

The plan includes significant infrastructure including two separate gravel wetlands, which may be eligible as credit toward lot coverage. Approval of the City Stormwater Administrator will be required to apply such deduction. **Affirmative finding as conditioned.**

3 Pervious surface materials not included in impervious lot coverage calculations
Pervious surface materials, such as woodchips and clay or dirt playfields in City Parks shall not be included in impervious lot coverage calculations.

The subject parcel is not a City park. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

52 Institute Road has frontage on both North Avenue and Institute Road, with vehicular access from the latter. A three story addition that will replace C Building will now create a “face” oriented toward North Avenue, while another addition will front Institute Road. While the existing bus loop will remain unaltered, vehicular access from Institute Road will be adjusted slightly eastward, closer to North Avenue.

Affirmative finding.



Section 5.2.3 Lot Coverage Requirements

See Section 4.4.6-1, above.

Section 5.2.4 Buildable Area Calculation

The intent of this section is to:

- ☐ *To protect sensitive natural features;*
- ☐ *To prevent overdevelopment of properties that contain sensitive and unbuildable areas, and*
- ☐ *To ensure that new development fits within the existing scale and intensity of the surrounding neighborhood.*

For any properties two (2) or more acres in size within any RCO, WRM, RM, WRL, or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density or lot coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not have an undue negative impact on sensitive natural features.

There are no bodies of water on the site. Black River Design provided a slope analysis of the entire site (p. 82, general submission) and has deducted those areas from consideration within their coverage calculation. See Section 4.4.6 (b) 2 for analysis of lot coverage.

Lot coverage: Allowance per § 4413. **Limitations on municipal bylaws.**

Section 5.2.5 Setbacks

See Section 4.4.6 (b), above.

Section 5.2.6 Building Height Limits

See Section 4.4.6 (b) for building height calculation, and Plan A5.1, p. 65 of overall submission packet. Although pre-existing and non-conforming to height, the new building height will lessen the degree of non-conformity as averaged across the site. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.4.6-1 only addressed intensity of use in RCO-RG relative to lot coverage calculations. See discussion of proposed lot coverage in 4.4.6-1.

Part 3: Non Conformities

Section 5.3.3 Continuation

Except as otherwise specified in this Article, any nonconformity which lawfully existed at the time of passage of the applicable provisions of this or any prior ordinance or any amendment thereto may be continued subject to the provisions of this Part.

The existing use (educational, technical school) is non-conforming to this zoning district, but is pre-existing and therefore may continue. **Affirmative finding.**

Section 5.3.4 Nonconforming Uses

(a) Changes and Modifications:

A nonconforming use may be changed to a conforming use pursuant to all applicable provisions of this ordinance. When a nonconforming use has been made conforming, it shall not be made nonconforming again.

Any change or modification to a nonconforming use, other than to full conformity under this Ordinance, shall only be allowed as specified below and shall require conditional use approval pursuant to the provisions of Article 3, Part 5 by the DRB.

School, secondary and School, Trade are both pre-existing uses that are non-conforming to the Comprehensive Development Ordinance. Per this standard expansion of a non-conformity is

prohibited. The demolition of C Building and various connectors and the removal of programming from E Building will still result in a net increase in the structural area of use.

New gross area	79,000 sf (including auxiliary gym)
Demolished areas (C Building, multiple connectors	-50,500 sf.
Removal of programming from E Building)	

The net new area is 28,500; if the auxiliary gym is not constructed, the increase is 20,500 sf.

There is no increase in the typical student population (as fluxuates from year to year), faculty, staff or programming.

In consultation with the City attorneys' office, re-examination of Burlington School District's initial 2019 request for consideration under §4413 included new building area as part of the increased lot coverage discussion.

State Statute §4413 directs that municipal review may regulate *only to the extent that regulations do not have the effect of interfering with the intended functional use.*

Burlington School District contends that the proposed expansion of use as exhibited in new structural area is necessary for the intended functional use. §4413 is therefore implicated in the expansion of non-conforming use, limited municipal review. The City Attorney has agreed (email January 19, 2021.)

Not applicable per § 4413. **Limitations on municipal bylaws.**

Section 5.3.5 (a)

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

- 1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*
- 2. Such a change or modification shall not create any new nonconformity; and,*
- 3. Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

See Sections 4.4.6 (b) and 5.2.6 relative to building height. Although pre-existing and non-conforming to height, the new building height will lessen the degree of non-conformity as averaged across the site. **Affirmative finding.**

Section 5.4.8 Historic Buildings and Sites

Not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

The proposed project will continue the existing use; however in more energy efficient buildings with upgraded infrastructure and improved pedestrian and vehicular parking facilities. No additional nuisance impacts are anticipated. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

A revised photometric was submitted to reflect the following adjustments:

1. Sidewalk lighting throughout the site less than 2fc
2. An expanded calculation summary indicating a max/min ration less than 20fc.

The revision represented on this plan are as follows:

- a. Raised the two poles between the sloped walk and the drop-off walk to 18' height
- b. Added a low fixture near the fire hydrant adjacent to the HCP parking
- c. Eliminated the seating wall mounted lights at the bicycle parking
- d. Added a 12' pole light north of the bicycle parking
- e. Added one wall mounted light in the center of the proposed Auxiliary Gym (east wall)

As revised, the lighting plan (L400 ALT) achieves functionality and conformance to standards of subsection (f) of this section. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Prevention

A substantial Stormwater and Erosion Prevention plan has been submitted and is currently under review by the Stormwater engineering division. Their written approval will be a condition of any permit. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

The Gilman and Briggs Environmental Plan offered this:

The proposed project, which has been modified from the plan of August 2019, will impact none of the Dry Oak-Maple-Limestone Forest except an extremely small area at the east end of the proposed Building B and the existing Building C, for installation of a water line. This area is shown on Site Plan Sheet C2.4, where the water line location is shown in blue near the right edge of the Plan. I recommend that the forest edge be avoided as much as possible, and that tree-cutting be minimized. The area of the existing Building C, which will be removed, will be regraded and returned to a vegetated condition. With these considerations, I believe the Project will not have an undue adverse impact on the natural community and its composition through the rest of the site.

The Conservation Board has supported the application as submitted. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:



A study was commissioned of Gilman and Briggs Environmental Consultants (p. 72-80 overall application). This analysis included a list of identified plant and tree species, with mapping to indicate both rare and endangered species. The ultimate examination resulted in a determination of no impact relative to the area of construction, a recommendation to limit tree clearing, and a return to a vegetative state within the outline of C Building. The Conservation Board reviewed the plan and study at their January 4, 2021 meeting, and found the natural resources assessment adequate. An official for Burlington School District has also added that the study anticipates greater impacts that are actually proposed, due to revisions to C Building.

See Plan L100 ALT and L000 for an enhanced landscaping plan, tree removal details and a rendered image. **Affirmative finding.**

(b) Topographical Alterations:

Regrading is proposed at the location of the easterly parking lot (to facilitate accessibility) and at the site of C Building to facilitate a seating area and greenhouse. See Plan L103.

Overall, the introduction of stormwater features (gravel wetlands) will result in site modifications. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no protected views from or through this site. Not applicable.

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

The redevelopment plan includes entirely new infrastructure, including:

- New LED lighting with low voltage controls;
- Addition of cooling throughout the complex;
- New heating and ventilation systems
- Electric Vehicle charging stations

There is existing solar on the multiple rooftops. The project has been subject to design challenge in order to qualify for certification under CHPS; *Collaborative High Performance School Standards*. When complete, BHS will be the first school in Vermont to achieve this certification. Similar to LEED, it specifically adopts additional standards particular to educational facilities, one of them acoustics.

No part of this application precludes the use of wind, water, solar, geothermal, or other renewable energy resources. **Affirmative finding.**

(f) Brownfield Sites:

The site is not listed on the Vermont DEC list of identified Brownfields. Recent site analysis has determined the presence of site contamination, which will be addressed within this project. See narrative, p. 2. **Affirmative finding.**

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The narrative defines the introduction of Stormwater Treatment to meet all City and State regulations. The project will be required to satisfy all Chapter 26 requirements, with written approval of the City Stormwater program. Gravel wetlands will be introduced as part of the Stormwater mitigation measures.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

Improvements to building entrances will assure enhanced shelter for students and staff. Burlington School District maintains an active snow removal program for all their facilities. **Affirmative finding.**

(h) Building Location and Orientation:

The building will continue to front Institute Road, with additions to the east to create a street face toward North Avenue. A new addition at the southerly entrance will enhance the Institute Road streetface. Redevelopment will continue to emphasize and enrich the existing orientation to the street. **Affirmative finding.**

(i) Vehicular Access:

Normal access will continue as existing off Institute Road, while the GMT bus loop off North Avenue will remain undisturbed. Modifications will be made to parking access to the south lot, and improvements to the circulation pattern on the north. See Civil drawing C1.0. **Affirmative finding.**

(j) Pedestrian Access:

Much greater circulation will be afforded with the plan, with the addition of interconnected pedestrian paths from the east/drop off access point; around the south to the newly designed accessible entry. A network of paths are proposed across the site, between differing building volumes and to the proposed greenhouse. **Affirmative finding.**

(k) Accessibility for the Handicapped:

A principal goal of this renovation is to achieve access throughout the complex and across the campus. The three story addition will connect A, B, D and F Buildings near the BHS cafeteria and house an elevator, providing a direct link between BHS and BTC. Another addition on the south of the existing gymnasium will provide a new four story elevator and egress stair connecting all four levels of A Building with an interior accessible route to the music rooms located on the ground level. Regrading the northerly parking lot will also improve access standards, as well as improved pedestrian paths throughout the site. HCParking is provided in all lots. Overall ADA access compliance is under the jurisdiction of Burlington's building inspector. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

Reference is made to Plan L100 ALT, which includes the attached parking table.

The Existing North Parking Lot (ENL) will be completely reconfigured to improve accessibility and traffic flow. The *existing* North Lot has 122 parking spaces and a curb side aisle used as approximately 30 temporary pickup and drop-off spaces.

The proposed upper parking lot will include a total of 121 parking spaces, (7 accessible spaces, 7 visitor spaces, 15 short term/visitor spaces, 88 standard spaces (staff), and 4 electric vehicle charging spaces.) The lower parking lot west of the gravel wetland will have a total of 12 spaces (see table, right.) The layout of the north lot will operate much as the existing lot, although there will be an introduction of planted islands to break up the expanse of asphalt. Buses will remain on a separate loop directly off North Avenue. The one-way pattern of circulation through the lot will remain. Both the entrance and exit drives off Institute Road will be shifted to the east.

PARKING CALCULATIONS		
	EXISTING SITE (TOTAL)	PROPOSED PLAN (TOTAL)
UPPER PARKING LOT (STAFF / VISITOR)	122	121
ADA-Accessible Spaces	4	7
Designated Staff Parking Spaces (DS)	103	92
Visitor / Short-Term Dropoff Spaces (V)	15	22
LOWER PARKING LOT (STAFF)	18	12
ADA-Accessible Designated Staff Parking Space	2	1
ADA-Accessible Designated Dropoff Space (On Top)	0	1*
Designated Staff Parking Spaces (DS)	16	11
SOUTH PARKING LOTS (STUDENT)	144	143
ADA-Accessible Spaces	0	2
Student Parking Spaces	144	141
NORTH-REAR PARKING (STAFF / VISITOR)	46	48
F-Bldg North ADA-Accessible Designated Space (DS)	0	1
F-Bldg North ADA-Accessible Dropoff Space (Daycare)	0	1*
F-Bldg North Visitor / Dropoff Spaces (V)	4	4
F-Bldg South ADA-Accessible Dropoff Spaces (ISN)	0	1*
Designated Staff Parking Spaces (DS)	22	23
Maintenance Spaces (M)	20	20
PARKING TOTALS	330	324
(NET COUNT)		-6
* designated dropoffs not included in parking counts		
ON-STREET PARKING (Institute Road)	11	10

Additional parking is identified at the west (23 staff, 4 visitor, 2 ADA) and north (20 designated spaces for maintenance.) Drop off spaces are included on the west and north/west. No changes are proposed to the student lot(s) across Institute Road.

With no change in traffic volumes, only the queue development is anticipated to change. RLG models provided for Sketch Plan review are based on the 10-15 minute congestion period at the close of school; otherwise, traffic volumes are lower and congestion is not anticipated to be a problem.

The forecasted decrease in parking spaces (-6) and discussion of required parking is addressed in an overall parking management plan. See p. 68-71 in overall submission packet.

Affirmative finding if Parking Management Plan adopted.

(m) Landscaping and Fences:

Wagner Hodgson provided an illustrative site plan (L000) depicting the buildout on the site.

With improve parking areas, defined pedestrian circulation paths, enhanced Stormwater features and landscape amenities like wider paths, benches, and bike racks the campus will enjoy renewed green space and functional circulation throughout the site.

See plans L001-L202. **Affirmative finding.**

(n) Public Plazas and Open Space:

There are several areas of existing and proposed gathering space; the enhanced entry courtyard on the east, the improved central access entry on the south, the courtyard (including an area within the partial foundation of C Building as well as the bicycle corrals and wide paths. Enhanced landscaping surround the walkways and at the site of C Building will provide comfortable and attractive areas to gather. **Affirmative finding.**

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

New LED lighting is proposed throughout. Reference is made to fixture and illumination plans p. 99-131 (there are duplicate plan sets) and Plan L400 ALT for illumination levels. Pole heights are compliant. Revisions to the plan have been made since submission to lower lighting levels along pedestrian paths. See Section 5.5.2. **Affirmative finding.**

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

This very ambitious and comprehensive application intends to increase energy efficiency, improve accessibility, enhance security, and consolidate programming. New underground utility (sewer water power and stormwater infrastructure) is included.

Specific areas are identified for service on the west, and maintenance access on the north.

Affirmative finding.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

State Statute §4413 Limits Municipal Review per the following:

§ 4413. Limitations on municipal bylaws

*(a) The following uses may be regulated only with respect to **location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements**, and only to the extent that regulations do not have the effect of interfering with the intended functional use:*

(1) State- or community-owned and operated institutions and facilities.

*(2) **Public and private schools and other educational institutions certified by the state department of education.***

(3) Churches and other places of worship, convents, and parish houses.

(4) Public and private hospitals.

(5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.

(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

(a) Relate development to its environment:

1. Massing, Height and Scale:

The proposed additions are similar in scale, massing and height to the existing building(s) on site. **Affirmative finding.**

2. Roofs and Rooflines.

Not applicable per § 4413. Limitations on municipal bylaws.

3. Building Openings

Not applicable per § 4413. Limitations on municipal bylaws.

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

Not applicable per § 4413. Limitations on municipal bylaws.

(e) Quality of materials:

Not applicable per § 4413. Limitations on municipal bylaws.

(f) Reduce energy utilization:

A large part of this redevelopment is to improve energy efficiency. Energy modeling information was provided in Sketch plan review. Burlington School District is attempting to qualify for certification under CHPS; *Collaborative High Performance School Standards*. When complete, BHS will be the first school in Vermont to achieve this certification. Similar to LEED, it specifically adopts additional standards particular to educational facilities.

Affirmative finding.

(g) Make advertising features complementary to the site:

Any signage will require a separate sign permit.

Within this zoning district, Wall Signs are limited to 20 sf.

The illustrated wall signs along the east and south facades, shown in elevation and perspective views, are enthusiastically supported by the Design Advisory Board for their success in visually lowering the massing of the proposed structure; as successful components of the new design, and as important building identification to the public right-of-way (North Avenue is set quite a distance off.) They are, however, non-conforming to the zoning district and may be regulated under §4413 relative to “size.” The applicants may make a separate application for signs that retain a lesser degree of nonconformity if it replaces a nonconforming sign, or it can be fully conforming. to the RCO-RG zoning district. **Affirmative finding as conditioned.**

(i) Make spaces secure and safe:

Improved staff and student safety is core to the project. The addition of automatic sprinkler system throughout the complex, a new addressable fire alarm system, new lighting, ventilation, and improved traffic circulation and parking are all identified as safety improvements.

Additionally, circulation to allow emergency vehicle access as well as first responder entrances with a stretcher-sized elevator will significantly advance site safety. **Affirmative finding.**

Article 8: Parking

The Comprehensive Development Ordinance has the following requirements for these uses in the Neighborhood Parking District:

Use	Required by CDO	Calculation
School, secondary	7 / classroom	7 x 70 = 490
School, technical	5/classroom	5 x 13 = 65

		490 + 65 = 555 req'd
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There currently are 186 spots not designated as student parking spaces, with a total of 330 parking spots on site. As an effort to reduce lot coverage the applicant proposes decreasing the number of parking spaces by 6 to a total of 324 spaces. The plan provides the appropriate number of handicap and visitor spaces, and includes electric vehicle charging stations. That falls short of the ordinance requirement by 231 parking spaces. (41.6% parking shortfall) There are a number of factors that would contribute to a reasonable consideration of a reduction in parking spaces; namely the substantial increase in bicycle parking (120 bike parking spaces), the continued collaboration with Green Mountain Transit for student ridership, and Burlington's overall goals toward enhanced pedestrian/bicycle transit. The applicant has provided an analysis and plan that includes strategies to reduce the use of single occupancy vehicles within their Parking Management Plan in support their request for a parking waiver. See Section 8.1.15, below.

Section. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be modified to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces. Any waiver granted for a non-residential use may be as much as ninety percent (90%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

This application is not subject to Section 3.2.7 (a) 7, which applies to the Neighborhood Mixed Use district.

Reference is made to the *Request for Waiver & Parking Management Plan* dated December 17, 2020 with analysis of parking requirements and strategies. Here is a multi-pronged response including improved bus infrastructure, improved and safer student drop off and pedestrian access, free bus passes for students, increased bike parking and improved bike parking infrastructure. When considered with planning for future needs and with the assistance of the Chittenden County Regional Planning Commission, Burlington School District is in the process of developing school travel and traffic control plans for all nine school campuses within the City of Burlington. The plan is not limited to now, but to future demand and transportation opportunities.

The request for a 41.6% parking waiver is less than the 90% allowance by this standard, and may therefore be considered in conjunction with adoption of their parking management plan.

Affirmative finding if Parking Management Plan accepted and Parking Waiver approved.

Part 2: Bicycle Parking

Section 8.2.2

Bicycle parking requirements as set forth in this subpart shall apply to new development, changes in land use, and changes to a structure that cause an increase or decrease of 25% or greater in gross floor area, seating capacity, or number of dwelling

units.

Seating capacity or number of dwelling units are not applicable.

The net new area is 53,370 sf, less than the 25% benchmark for standard applicability.

(Existing gross area = 239,250; 25% = 59,813.) Therefore, bicycle standards do not apply for this application. Not applicable.

II. Conditions of Approval

1. **Per Section 2.7.8**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit.
2. E Building cannot be put into future programming without a change in regulations or zoning district, as re-use will further expand the level of non-conformity to use.
3. ADA access compliance is under the jurisdiction of Burlington's building inspector.
4. Based on provided calculations from the applicant, the following draft Impact Fees shall be paid **within 30 days of issuance of a building permit**. This calculation excludes additions to existing buildings for which **the sole purpose** is to provide additional means of egress (e.g. stair towers, elevators, etc.).

Overall new gross area, including auxiliary gym: 79,000.

Deduct C Building and demoed corridors - 25,630

Net new 53,370 sf.

Exempt area (egress)

South addition -4,325

B/D Stair/elevator tower -2,425

Impact Fee new area **46,620**

SF of Project	46,620
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	<u>Offices & Other</u>	
Department	Rate	Fee
Traffic	0.690	32,167.80
Fire	0.203	9,463.86
Police	0.358	16,689.96
Parks	0.428	19,953.36
Library	0.000	0.00
Schools	0.000	0.00
Total	1.679	\$ 78,274.98

5. Upon approval, this permit has a **5 year life** based on the following schedule:

Preconstruction – Spring 2021

- Mobilize and install BMP's shown on sheet C3.0.
- Construct stable staging/storage area, install stone lined sediment traps, install temporary stabilized construction entrances and access routes, install construction fencing, perimeter sediment control practices, and inlet protection on existing catch basins.

Summer 2021

- Install new waterline
- Install new stormwater collection and bypass system
- Install temporary sediment basin
- Install new sewer system
- Excavate foundation for new addition at south side of Building A
- Excavate foundation for new connector between Building A and B
- Begin mobilization and earthwork for Building B-D Connector

Winter 2021-2022

- Fall 2021 - Continue with Building A-B Connector foundation construction
- Continue with Building A south addition and A-B Connector framing and interior construction.
- Begin excavation and foundation construction for Building B-D Connector.
- Complete installation of any new utilities not completed during the summer construction.
- Continue with B-D Connector interior construction.

Summer 2022

- Continue construction on Building A south side addition.
- Continue construction on Building A-B Connector.
- Continue construction on Building B-D Connector.
- Install utilities in access road on west side of Building A.
- Install site improvements (walks, stairs, parking, stormwater, grading) on the east and north sides of Building F
- Complete Building A south side addition and construct new parking lot and associated site improvements
- Complete Building A-B Connector and associated site improvements.
- Complete site improvements north of Building F

Winter 2022-2023

- Complete any remaining site improvements and stabilization from Summer 2020 activities.
- Maintain topsoil and seeded areas to ensure Final stabilization is reached prior to the end of the growing season.
- Continue with construction of B-D Building connector to F Building.
- Begin interior renovations to Building A and Building D.

Summer 2023

- Complete site improvements at southwest corner of Building A.
- Complete Building B-D Connector to Building F and associated site improvements.
- Small sidewalk and intersection improvements on the south side of Institute Road.
- Restore existing paved drive at the southeast corner of the site, to lawn.
- Interior renovations to Building A.
- Interior renovations to Building B.

Winter 2023-2024

- Interior renovations to Building A and Building B continues.

Summer 2024

- Relocate construction fencing.
- Excavate and install foundation for southern portion of A-B Connector.
- Install new stormwater collection system on east side of the site.
- Install new stormwater collection system north of Building B.
- Demolish existing Building C
- Install new site improvements north of Building B
- Construct new Gravel Wetland Stormwater Treatment Practices
- Demolish existing parking lot and construct new permanent parking lot
- Construct new sidewalks, bike racks, site amenities, landscape plantings.
- Remove staging areas and restore to vegetation.

Winter 2024-2025

- Continue interior construction on southern portion of Building A-B Connector.
- Complete site improvements, final grading, and stabilization.

Summer 2025

- Complete Building A-B Connector.
- Maintain any temporary stabilized areas to ensure adequate vegetative growth.
- Demobilization and clean-up.
- Final Stabilization.

Spring 2026

- Completion of the Auxiliary gym, the main parking lot and the main gravel wetland just below the parking lot
6. This permit is required to demonstrate compliance with the standards in Article 3, Stormwater & Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control. Written approval shall be received **prior to release of the zoning permit.**
 7. Adoption of the Parking Management Plan will include the following:
 - a) Vehicular parking waiver of 257 spaces (581-324.)
 - b) Demonstration that that Burlington School District has engaged with CCRPC in advancing school travel and traffic control plans for all 9 campuses within the City of Burlington.
 8. A State of Vermont Wastewater permit will be required. It is the applicant's responsibility to secure this permit approval.
 9. **Prior to release of the zoning permit**, a letter of adequate capacity shall be provided from Burlington's Water Department.
 10. Signage will require a separate sign permit.
 11. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.